



Challenged in China: The shifting dynamics of censorship and control

A special report by the Committee to Protect Journalists



Committee to Protect Journalists



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As Xi Jinping takes office as president of China, the citizenry he governs is more sophisticated and interconnected than any before, largely because of the Internet. A complex digital censorship system--combined with a more traditional approach to media control, such as jailing journalists--keeps free expression in check. Repressive regimes worldwide look to China as a model, but Beijing's system of control is increasingly endangered. **A special report by the Committee to Protect Journalists**



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PHOTO: Policemen separate a supporter of Southern Weekly magazine from leftists confronting him outside the office of the newspaper in Guangzhou on January 9, 2013. (Reuters/Bobby Yip)



Preface

By David Schlesinger

There is nothing like reading a report on China and the media to highlight the mass of contradictions that is the country today.



Compared with when I started studying it in the 1980s and '90s, China's media and journalism scene has a vibrancy I could never have imagined, and that still surprises me. However, compared with the ideal of freedom of expression espoused by the Committee to Protect Journalists and, more important, by increasing numbers of China's own netizens, journalists, and ordinary citizens, it falls far short.

Decades of reform and opening have produced nearly 600 million Internet users, more than 400 million mobile users, and more than 300 million microbloggers. The amount of pure content and communication created and enjoyed hourly is staggering.

And much of that content would have been unimaginable in the very recent past: pointed comments, reporting, pictures, and jokes on corruption, food safety, transport conditions, dodgy deals, abuse of authority, and scores of other challenging topics.

Local newspapers and magazines try to push the limits in reporting and editing and even commentary.

Foreign reports on China reverberate internally like never before, becoming a part of the domestic debate.

Compare that with when I was China bureau chief for Reuters in the 1990s: Huge stacks of provincial newspapers would land on my desk with a depressing thud, each broadsheet seemingly in lockstep with the official "line." Dissidents then had no microblogs to try to send out provocative or borderline daring messages—they had, at best, a shared telephone line.

So there has been huge, obvious, and palpable progress. And yet, like an electrified fence around a yard, evidence of the limits around tolerance and freedom is there, too, ominously looming.

Anyone too daring is threatened, harassed, or even arrested. Any message too provocative disappears. Any journalist pushing too far is yanked back. Any publication that steps over the line feels the heavy official hand of authority asserting itself. And the Internet, that great instrument of content creation and discovery, is surrounded by a seemingly ever-more impermeable Great Firewall, making hot topics non-topics, making news figures suddenly nonexistent, and making the power of the state an omnipresent specter.

The challenge for the Communist Party is that as China changes, its people have new expectations of how to exercise their own rights—rights that in many cases are already enshrined in China's constitution.

The importance of this report is not that it is a CPJ report. It is not that it is issued in New York about concerns that are somehow unique to a Western audience and group. This report is important because the debate about media rights and the limits on freedom of expression is an important one that needs to occur in China itself, for in the end it concerns every one of the 600 million netizens, 400 million mobile users, and 300 million-plus microbloggers—any one of whom could find him or herself on the wrong side of a shifting political line at any time.

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1. Beyond censors' reach, free expression thrives, to a point

By Sophie Beach

On March 24, 2012, investigative journalist Yang Haipeng posted on his Sina Weibo microblog a story he had heard that alleged a link between Neil Heywood, an English businessman who had been found dead in a Chongqing hotel, and Bo Xilai, the powerful Chongqing Communist Party chief. His post is widely recognized as the first significant public mention of a connection between the two men and it spread like wildfire online before being deleted the next day. A month later, Yang's Sina Weibo account, which had 247,000 followers, was shut down.



Yang's experience shows both the power and the limitations of the Internet in advancing free expression in China. Within days of Yang's post, the world knew of the connections between Heywood, Bo, and Bo's wife, Gu Kailai; Gu has since been handed down a suspended death sentence for Heywood's murder and Bo has been expelled from the Communist Party and is facing criminal charges. But Yang, a well-respected and popular journalist and microblogger, is still prevented from communicating freely with his followers on Sina Weibo, China's most popular microblogging platform.

Over the past 10 years, China's media environment has been transformed by the explosion of the Internet and, since 2010, the phenomenon of weibo, or microblogs, which now have more than 309 million users. Weibo have created a new online ecosystem where news breaks and spreads faster than censors can catch it. This in turn influences public opinion of, and political responses to, certain events. News of the high-speed train crash in Wenzhou in 2011, which killed 40 people, first broke on weibo. In 2011, there were 4.5 million microblog posts on the story, according to a white paper by business intelligence firm CIC and Ogilvy Public Relations—most of them criticizing the government's poor handling of the disaster. Partly as a result, authorities imposed stricter safety regulations on high-speed train networks. While the Chinese government has justified its control

over the media and Internet as a way to prevent social instability, the Wenzhou train crash provides one example of how freer expression in China can help advance the public interest.

However, while discussions on weibo are much more freewheeling and open than elsewhere in the Chinese public sphere, strict limitations on what topics can be broached are still firmly in place. Posts are censored, accounts are closed down, and search results are filtered for sensitive political content. The proliferation of rumors has justified widespread crackdowns on unwelcome content. Weibo users have been questioned and, occasionally, imprisoned for content that they post.

The Chinese government did not respond to CPJ's written request, sent via the Chinese Embassy in Washington, D.C., to comment for this report.

Beijing clearly sees the economic benefit of fostering communications technology. While blocking popular global social media sites such as Facebook and Twitter, the Chinese government has encouraged domestic equivalents as a way to boost growth and innovation. The results are impressive: Sina Weibo is a feature-rich, user-friendly platform that enjoys immense popularity, as do other social media sites such as Tencent, which provides the second-largest microblogging platform, YouKu, a video-sharing site, and Renren and Kaixin, Facebook-like social networking sites.



HEXIE FARM: 'The Emperor's New Clothes.' Internet and public opinion rain on the parade of China's leadership, depicted without clothes, like the deluded emperor from the fairy tale.

Yet these companies are caught between their users, who often demand more freedom, and censorship authorities, who require the companies to self-censor their platforms or risk losing their license to operate. Companies that did not comply with government expectations did not excel in the market: For example, Fanfou, China's earliest microblogging platform, was closed down for 16 months in 2009-10 after users posted

information about riots in Urumqi, Xinjiang. Bill Bishop, Beijing-based editor of the *Sinocism* newsletter, tells CPJ that Sina rose to the top of the market both by building a great product and because, “it knew what it needed to do to stay in good graces with the government, unlike Fanfou.”

Microblog platforms use a variety of methods to comply with government censorship requests. Keyword filtering is the most widely deployed method to limit content. Some terms will prevent a post from being published at all; others will mark it for editorial review, while other terms cannot be searched through the platform’s search engine, making those posts difficult to access. *China Digital Times* researches and maintains lists of terms banned by Sina Weibo search and has collected almost 2,000 banned or temporarily banned search words since April 2011. In addition, Sina Weibo users often report that their posts have been published for only the author to see, so they may not realize at first that they have been censored.

If a user posts on a forbidden topic despite these filtering techniques, their account can be closed temporarily as a warning, or permanently for repeated offenses. According to an internal management notice from Sina that was leaked online, any “harmful” information that is posted must be deleted within five minutes, and posts by blacklisted users, who are still allowed to have an account, must be checked before publishing. Also, weibo service providers are required to give public security agencies access to their back end, through which officers can directly enter keywords that should be blocked and immediately delete videos and photos. Since his account was first closed in April 2012, Yang Haipeng has tried at least 65 times to reopen a Sina Weibo account with various coded user names, but each time his account has been closed.

A screenshot of Yang Haipeng's 65th Sina Weibo account, which was created in January 2013 but has since been closed. (Sina Weibo)

According to a detailed exposé from Hong Kong-based *Phoenix Weekly*, which was widely distributed through Chinese cyberspace when it was published in March 2012, Sina has created a three-tier monitoring system, which works in tandem with the filtered keyword system described above. The first tier uses technology to search for banned keywords. The second tier uses personnel to manually review content before publishing, and transfer that information to the third tier. The staff on the third tier tracks current events to help the front end improve and update their banned keyword lists. Sina Chief Executive Charles Chao told *Forbes* in March 2011, that the company employs “at least 100” personnel to manually censor posts, but this is widely considered to be an underestimate.

Sina also has mechanisms in place for a targeted response to some incidents. According to the *Phoenix* report, Sina has a team of at least 600 people, all volunteers, who can be mobilized to respond to an emergency, such as the high-speed train crash in Wenzhou. This team includes Sina staff as well as former editors and temporary workers. Sina selects these “reserve forces” through open invitations to the Sina community and recruitment of weibo users who are generally “enthusiastic about network security and safety,” according to the *Phoenix* report. In other words, weibo users who actively post in support of the government’s Internet control policies and practices are rewarded by being asked to join the Sina team.

This corresponds with a new policy implemented by Sina in 2012, in which users reward or penalize fellow users with a point system. Users gain points for providing personal information, while points are deducted if a user distributes “false” information or makes personal attacks, according to a notice posted on Sina’s Weibo Community Management Center in May 2012. If a user’s point reserve reaches zero, his or her account is closed. But the definition of “false” information lies in the hands of the censors, who can use that term to define any politically unsavory posts.

This point system and a real-name registration system have both been inconsistently implemented. In December 2011, the Beijing Municipal Government issued rules requiring microblog services to collect and verify real name information by March 16, 2012, for all users who post publicly on their platform. The rules, if fully implemented, would impose a chill in online discussions, as much of the freedom of weibo platforms stems from users’ anonymity. However, Sina admitted that it had been unable to enforce the rule fully, “for reasons including existing user behavior, the nature of the microblogging product, and the lack of clarity on specific implementation procedures,” according to a company filing to the U.S. Securities and Exchange Commission for fiscal year 2011. In the filing, Sina acknowledged that, “our noncompliance exposes us to potentially severe punishment by the Chinese government.” In December 2012, the National People’s Congress expanded rules for real-name registration to all companies that provide Internet access, including mobile phone companies.

Authorities also attempt to guide online conversations by employing large numbers of paid Internet commentators who post pro-government opinions on weibo and other online forums. Internet users have nicknamed these commentators the “fifty-cent party” for the fee they are rumored to be paid for each post. In the *New Statesman* in October 2012, artist and documentarian Ai Weiwei interviewed a member of the “fifty-cent party” who estimated that up to 20 percent of comments in online forums are written by paid commentators.

Weibo has created a new public sphere for Internet users in China—who tend to be urban, educated, middle- or upper-class citizens—that is changing the national conversation in significant ways. While users may chafe at the censorship, many realize that it is the price Sina pays for existing. *Sinocism*’s Bishop tells CPJ, “Yes,

users get angry at Sina, in part as a proxy for anger at the government, but the sophisticated ones understand that Sina has already expanded the boundaries of discourse significantly and if they do not keep the government happy the service could be neutered or worse."

Despite their obligations to government censors, Internet companies themselves find subtle ways to promote freedom of expression. In January 2013, a manager at Sina Weibo responded to criticism that his company had censored posts, explaining that even within the bounds of censorship, information can still be widely distributed before it is deleted. He wrote:

You are all crazily posting weibo, and those "little secretaries" are busily deleting them all. But with the situation as it is, has your ability to see this information been hindered? If they didn't delete individual weibo posts, they would just directly shut down entire accounts. [...] In fact, pressure already exists right when, and even before, a situation breaks out. But we can deal with it. The fact that all information can make it out represents a hard-fought victory in itself.

Siding with their users in promoting freedom of expression can, in some situations, provide a competitive advantage for companies. Sina Weibo closed down the account of prominent blogger and free speech advocate Isaac Mao, who had about 40,000 followers, in June 2012 after he criticized China's space program as a waste of funds. Sina told him he had no recourse to appeal because the order had been given by "relevant authorities," and was outside the company's control. Subsequently, Tencent invited Mao to its microblog service, in what he told CPJ he believes was a move to one-up the competition. He currently has 10,000 followers on Tencent but is not as active there and acknowledges being more cautious after his experience with Sina.

For China's journalists, weibo have provided an unprecedented platform to publish information that they cannot report in the traditional media, including censorship orders. China's propaganda regime has traditionally strictly forbidden journalists from reporting on their orders, which are generally classified as state secrets. Shi Tao, a journalist in Hunan Province, was sentenced to 10 years in prison in 2005 after he transmitted online government propaganda orders. Now, reporters often post censorship directives online anonymously and they spread before censors can delete them. These leaked orders have become so common that Chinese Internet users have begun to refer to them as Directives from the Ministry of Truth, a reference to the propaganda department in George Orwell's novel *1984*. In turn, the term "Ministry of Truth" (真理部) is one of the most frequently deleted terms on weibo, according to researchers at Carnegie Mellon University.

Nevertheless, even on the strictly censored Chinese search engine Baidu, a search for the Chinese phrase "Ministry of Truth" will yield about 188,000 results. (*China Digital Times* collects and regularly translates into English Ministry of Truth Directives.)

Weibo have also empowered journalists to build solidarity in fighting censorship. In January 2013, journalists at the independent-minded *Southern Weekly* (also translated as *Southern Weekend*) in Guangzhou went on strike after local propaganda authorities unilaterally replaced the paper's New Year greeting, which advocated constitutionalism and respect for rule of law, with a pro-government message. Angered by the censors' excessive interference in their editing process, editors took to weibo to call for the dismissal of Tuo Zhen, the Guangdong provincial propaganda chief. In an unprecedented move, newspapers, individual journalists, and other Internet users around the country used their weibo accounts to rally support for *Southern Weekly* and speak out for press freedom. It soon became a major issue as movie stars and mainstream media posted both explicit and coded messages of support on their sites and weibo accounts.

As Internet users have access to more varied sources of news and information, the tone of discussions online has changed. Several years ago, the loudest and most dominant voice online in China belonged to the “angry youth,” as strident young nationalists are called. This shifted when other social issues moved to the forefront and as the Internet has increasingly allowed a broader spectrum of voices to be heard. Hu Yong, a prominent media professor at Beijing University, marks the changing point as 2008; as he wrote for *China News Weekly* in 2012, “nationalistic agendas have increasingly taken a back seat to agendas relating to popular welfare.” People now go online to find solidarity with other citizens who see problems in Chinese society—such as corruption, abuse of power, and environmental degradation—in their day-to-day lives. In his *China News Weekly* article, Hu wrote: “The winds have shifted. When your child cannot drink safe milk, cannot sit in a safe car, when you go out to dinner and are served ‘gutter oil,’ when the air in your city is hazy and gray and you don’t know the true PM2.5 [air quality] reading, you become more concerned with the direction Chinese society is taking and the problems of Chinese people’s happiness, rather than fighting another Boxer Rebellion [a violent anti-foreigner rebellion in 1900].” This was evident during the anti-Japan protests that raged through Chinese cities in September 2012 over disputed claims to the Diaoyu Islands. On the streets, government-sanctioned protests were heated and often violent as participants uniformly condemned Japan and even called for war. Online, the discussion was more multifaceted, with many Internet users taking a cynical view of the protests and the government’s role in encouraging them. One weibo user wrote: “Actually, my biggest question is, who in China owns the Diaoyu? It certainly isn’t me, and it certainly isn’t you. Maybe it’s ‘the people.’”

Internet users now feel much more empowered to counter official propaganda. Hu Xijin, the editor of the official *Global Times*, regularly uses his Sina Weibo account to post nationalistic, pro-government views. Each of his posts routinely receives hundreds, sometimes thousands, of comments harshly critical of his position. Regularly, as the government publishes its version of events surrounding an important issue, Internet users respond with their own views, often questioning the official information. Weibo users who scaled the Great Firewall to read and repost the daily air quality readings on the Twitter feed of the U.S. Embassy in Beijing began to loudly question the Chinese government’s statistics, which showed significantly less pollution. When Beijing declared the U.S. Embassy’s collection of air quality data illegal in June 2012, weibo users were outraged. The attention focused on this issue eventually helped to prod some Chinese cities to provide more accurate readings, and in January 2013, the government announced a website that would post air quality readings in 74 cities. Also that month, when record high levels of pollution blanketed northern and central China, Xinhua and other official media showed a shift in attitude on the issue by reporting in an unusually transparent manner on the levels of pollution, the causes, and the need for public oversight in finding solutions.

The shifting dynamic online does not change the fact that the Chinese government still does not allow a free press to report on issues of local and national importance. Without trusted, legitimate sources of news, the void is too often filled by unsubstantiated reports, half-truths, and rumors. In March 2012, the spread of rumors reached fever pitch when reports abounded that Bo Xilai’s allies in Beijing were staging a coup. With media forbidden from reporting on Bo’s situation, and international journalists prevented access to key figures, the public was left not knowing which reports they could trust.

In response, the government cracked down on the spreading of rumors, closing weibo accounts of those accused of spreading false information and arresting others. Sina and Tencent closed their comment functions for three days during this period (Chinese weibo platforms are more sophisticated than Twitter and allow comments on posts). Following the coup rumors, authorities closed 16 websites and detained six people, while

an undisclosed number of people were “admonished and educated,” for spreading rumors, according to a report in the official *People’s Daily*. Capital Week financial magazine journalist Li Delin briefly disappeared around the same time after he reported on his weibo account of hearing gunfire in Beijing, according to Radio Free Asia. Since 2010, the government has launched regular campaigns to crack down on “false information” and rumors by closing websites. However, these campaigns often have broader targets. In an internal work order on limiting false news and information, issued by Dongzhi County Propaganda Department in Anhui Province in 2010, the orders were to “establish a specific monitoring system, following closely those influential, sensitive websites. For online false information, we need to discover them in a timely manner, accurately make judgments, handle them swiftly, and resolutely crack down on harmful information that attacks the Party and government and the news management system.” Under this order, any “sensitive” websites that are seen as criticizing the government could be targeted for closure.

As a new generation of leadership takes power in Beijing, they will rule over a citizenry that is far more informed, interconnected, and worldly than any of their predecessors. The Chinese people will no longer accept government propaganda as news, nor will they sit quietly when officials lie to them about issues that affect their lives. Yet the new leadership also possesses the world’s most sophisticated and powerful tools to control citizens’ access to information.

Rebecca MacKinnon, author of *Consent of the Networked* and a CPJ board member, has argued that rather than being a force that will topple the Communist Party, the Internet may in fact help prolong its rule. By allowing citizens a forum where they can discuss local issues, the country’s leaders both are given an opportunity to fix sources of widespread dissatisfaction while also giving citizens an outlet to vent frustrations so they will be less likely to demand political change. MacKinnon told *The Wall Street Journal*, “You have more give-and-take between government and citizens without the system having to change.”

Yet there is no doubt that access to the Internet, for those who can regularly go online in China, has had a profound impact on how people view the news and their government, and how they respond to injustices in their day-to-day lives. Already, before the new leadership even took the helm, the public knew far more about their new leaders than they have at any time in the past—information that censors have fought hard to keep hidden. Without weibo, the public may not yet know why Bo Xilai was removed from his post or his connection to Neil Heywood. What is publicly known about these recent scandals has likely only touched the surface of the whole story. But, as blogger and free speech advocate Mao told CPJ: “Weibo gave Chinese common people a chance to ‘know what they don’t know,’ even under fierce and ridiculous censorship practices.”

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2. Although not explicit, legal threats to journalists persist

By Madeline Earp

Even as China's virtual landscape buzzes with criticism of social injustices, government policy, and propaganda directives, independent journalism and expression are still perceived by the Communist Party as explicit political threats. Authorities also exploit vague legal language to prosecute dissenters based on published content, or bypass due process altogether, holding critics without charge or without notifying family members.



In 2010, Ji Pomin, son of a Communist Party revolutionary, sent a text message to hundreds of contacts inquiring about the health of Jiang Zemin, inadvertently sparking rumors that the former Chinese president—still a powerful political player—had died. A couple of days later, Ji was called to the street below his Beijing apartment by secret police masquerading as delivery men, according to an interview Ji gave John Garnaut of *The Sydney Morning Herald*. They pulled a hood over his head, drove him to a remote villa, and questioned him for hours about his view of Jiang—including his assertion, posted online in 2003, that Jiang had fabricated a revolutionary background to get ahead in the party hierarchy, according to Garnaut. (Jiang's family has denied this claim, according to Garnaut.) Recipients of the text message had their homes ransacked, Garnaut reported.

Ji, who is descended from party royalty, was released. The elderly historian who sparked Ji's suspicions about Jiang's background, however, was not so lucky. In late 2010, 72-year-old Lü Jiaping disappeared from public view. In 2012, CPJ learned he had been sentenced for inciting subversion of state power in May 2011, along with his wife and a close associate, Jin Andi. A translation of Jin's unsuccessful appeal verdict lists articles Lü published as early as 2000 and as recently as 2010, when the three were apparently detained. The appeal

document reveals the steps the public security bureau took to indict him, including email data from providers Sina and Wangzhiyi, and analysis of the reach of his articles:

The 3rd Brigade of the Beijing Public Security Bureau's Internet Security and Defense Office discovered on the international Internet an article by "Lü Jiaping" on a website with the URL www.maoflag.net entitled "Lü Jiaping: Why the Lhasa Riot Incident Was not Stopped Ahead of Time." [...] On September 9, 2010, there were four pages on the international Internet linking to posts or reposts of this essay, and it had been clicked on 2,768 times, and had 12 responses.

Lü had ruffled official feathers in the past: In 2001, his son Hu Dalin was interrogated for helping to post his articles online. But somehow in 2010—perhaps because of growing interest in his reporting on Jiang—he became a target for prosecution. And the authorities had a decade of online activity to produce as evidence against him. Family and friends were not notified of Lü's detention, according to international news reports.

Advocates of free press and expression often try to analyze China's imprisoned journalists to determine which lines cannot be crossed. But as Lü's case illustrates, it's possible to cross the line and violate content restrictions repeatedly, even for years at a time, without triggering criminal charges. Instead, the line is something prosecutors can lay down retroactively to turn expression into a criminal act.

Under the Chinese legal system, criticism of the state is, in and of itself, an attempt to influence populations. Incitement, in the statute on anti-state activity levied against Lü, is defined as "spreading rumors or slanders or any other means to subvert state political power or overthrow the socialist system," Hong Kong-based China legal expert Joshua Rosenzweig told CPJ. "The key part is the 'spreading rumors or slanders.' I'd say that 'inciting others' is not really all that important, practically speaking, because it is not necessary for the prosecution to prove that anyone was incited to do anything—or, if incited, that [the suspects] took steps to do [it]."

In 2013, the party does not uniformly criminalize critical journalism. Yet digital information leaves a trail that can be mustered—even 10 years after publication—as justification for silencing a voice that the party deems dangerous to its rule.

The Chinese government did not respond to CPJ's written request, sent via the Chinese Embassy in Washington, D.C., to comment for this report.

During the “golden decade” of rule by Hu Jintao and Wen Jiabao, the pair oversaw expanded discussion of political and human rights issues, but the outward signs of openness gave the Communist Party cover to continue, and even step up, repressive activities. For example, the state council published its first National Human Rights Action Plans, for 2009-2010 and 2012-15. The reports lacked benchmarks to bring the country in line with international law, but served to deflect some criticism. As state news agency Xinhua reported, "An action plan for human rights protection can be regarded as a sign that the state attaches great importance to human rights issues."



HEXIE FARM: 'Untitled.' As one of China's leaders sits on his throne, an imprisoned critic depicts him as a clown.

The language on free speech was cast in a passive construction as the “Right to be Heard,” which seemed to sidestep the issue of whether expression is a right. Furthermore, the plans referred to journalists’ “legitimate rights” to report: The word “legitimate” introduced a distinction between rights that the state recognized and universal human rights—which by extension, might be considered illegitimate.

Meanwhile, China’s record of imprisoning journalists and writers fluctuated during Hu and Wen’s rule, but did not transform. In its annual census, CPJ documented 39 journalists behind bars in 2002 and 2003, and 32 in 2012. In 2010, China was not the world’s sole worst jailer of journalists for the first time in 10 years—it shared that distinction with Iran. By 2012, China was the third worst, behind Turkey and Iran. But this was more a reflection of worsening conditions for the press in the latter two countries than an indicator of improvement in China. Anti-state charges—including subversion or inciting subversion of state power, passing state secrets, instigating riots, or inciting separatism—were used to jail the majority of journalists jailed in China over the decade, CPJ data shows.

In seeking to explain why the Communist Party permits some outspoken criticisms and deems others a criminal offense, some China specialists argue that critique is permitted as long as those articulating it are not, consciously or otherwise, likely to rally anti-government activity.

A proponent of this view is Gary King, the Albert J. Weatherhead III University Professor at Harvard University, who co-authored a 2012 study on online media censorship in China. The study asserts, “Contrary to previous understandings, posts with negative, even vitriolic, criticism of the state, its leaders, and its policies are not

more likely to be censored. Instead, we show that the censorship program is aimed at curtailing collective action by silencing comments that represent, reinforce, or spur social mobilization, regardless of content.” According to the findings, the goal of Chinese censorship “is to reduce the probability of collective action by clipping social ties whenever any localized social movements are in evidence or expected.” King and his colleagues did not pursue the study of “clipping social ties” offline, to gauge the likelihood that the authors of censored posts would be arrested. King told CPJ, “Our hypothesis would probably be that those who try to move populations rather than those who are critical of the state are more likely to be the target for legal action.”

The changing faces of China’s imprisoned journalists lend weight to the assertion that the state fears activist media more than those in the mainstream profession. Of the 32 journalists jailed at the time of CPJ’s 2012 census, at least 19 were ethnic minorities—Uighurs, from the Xinjiang Uighur Autonomous Region, who were arrested after rioting in the area in 2009, and Tibetans, from the Tibetan Autonomous Region and Tibetan areas of western China, following unrest there in 2008. The number of ethnic-minority journalists in jail climbed for the fourth consecutive year.

The arrests of many of the 13 ethnic-majority Han Chinese journalists in jail can also be traced to a crackdown—sometimes pre-emptive—on organized demonstrations of dissent. For example, Liu Xiaobo was detained in 2008, the day before the online release of his Charter 08 petition for political reform, although he was ultimately sentenced for articles on other subjects (Liu was awarded the Nobel Peace Prize in 2010). Tan Zuoren, an environmentalist in Sichuan, worked with families to document the children killed when school buildings made with cut-price materials collapsed during the 2008 earthquake. He was arrested before the release of his findings, which he had scheduled to coincide with the first anniversary of the tragedy; his sentence was for an eyewitness account of the 1989 Tiananmen Square crackdown published overseas before the earthquake took place, CPJ research shows. And Chen Wei was among dozens of writers and dissidents rounded up after anonymous Internet users called for a “Jasmine revolution” in China. While others detained at this time were released and kept under surveillance at home, according to CPJ research, Chen’s articles about democracy published on internationally hosted websites led to a nine-year sentence for inciting subversion.

Still, in order to sentence Chen, Tan, Liu, and others for incitement, there was no need, under Chinese law, to show that they participated in, or inspired others to, anti-state action—just as with Lü Jiaping. “The idea seems to be that expression carries the potential to lead others to doubt the political order and acting to bring its end,” legal expert Rosenzweig said.

Police and security agents who want to silence journalists enjoy another legal advantage. Vague statutory language allows them to detain individuals at home or at secret sites instead of official detention centers—and without the need to inform families or legal counsel.

House arrest and secret detentions have both arguably become more visible in the Internet age. Blind legal activist Chen Guangcheng broadcast video of security agents encircling his home in 2011, while Associated Press journalists dodged a security detail to interview Liu Xiaobo’s wife, the artist Liu Xia, in 2012. “Residential surveillance without notification has been in existence for some years,” Chinese legal scholar Flora Sapio told CPJ. Now, evidence is accumulating in the public domain. Internationally renowned artist and documentarian Ai Weiwei was missing for 43 days in 2011 before his wife was permitted to visit him in a location that was neither the house they shared, nor a formal detention center. Besides Ai, writer Yang Hengjun and lawyer and blogger Xu Zhiyong also disappeared for a few days each that year, drawing local and international attention to

the abusive practice. “When everyone thought I had been kidnapped, they all assumed it was by the government—doesn’t that tell you something?” Yang commented on his reappearance.

The attention may have added momentum to a move to strengthen the authorities’ legal powers in an otherwise gray area. In March 2012, the National People’s Congress amended the Criminal Procedure Law. Article 73 of the amendment allowed for suspects deemed a threat to national security to be held in undisclosed locations. Police are required to inform a suspect’s family whether the detention is at a residential site or not, though some details, including where and why the suspect is being held, can remain classified. (Observers praised some aspects of the amendment, such as a requirement to tape interrogations in death-penalty cases to prevent forced confessions, according to international news reports.)

The amendment maintained the original law’s obscure language, which renders it open to abuse by police and security agents. Such abuse is hard to monitor. Covert detentions are classified as state secrets, according to a 2006 publication by former Chinese police officer and legal expert Ma Haijian. While police keep data relating to residential surveillance, Sapiro told CPJ, they are not public, and the data “would not tell us whether notification was provided,” or in other words, how covert was the detention. Furthermore, “In practice China’s law enforcement officials frequently twist even clear legal language to their convenience, and sometimes act totally outside or contrary to the law,” as legal scholars Jerome Cohen and Yu-Jie Chen wrote in the Hong Kong-based *South China Morning Post* in September 2012.

Individuals can literally disappear when police do not fulfill their legal obligation to register detentions. News of Lü Jiaping’s and Jin Andi’s imprisonment broke only in February 2012 when Lü’s wife, Yu Junyi, was released from her home, where she had been held since Lü was detained, according to CPJ research. Journalist Gao Yingpu’s wife signed a written promise not to publicize her husband’s 2010 arrest for criticizing former Chongqing party secretary Bo Xilai’s anti-corruption campaign in online postings; he never obtained legal representation or an appeal as a result, and his imprisonment for endangering state security only came to light in an online appeal by a former classmate almost two years later. His family and friends believed he was working in Iraq. Gao, Lü, and Jin were still in prison at the time of CPJ’s annual prison census on December 1, 2012.

Details of these neglected cases came to light just as the criminal law amendment was adopted. Unusually, the draft law was made available for public feedback before it was adopted, and was rigorously assessed in the Chinese media. Over 80,000 people responded, and more repressive aspects of the amendment were watered down as a result, according to *The New York Times*; earlier drafts would have allowed police to hold suspects for up to six months without notifying family. But the consultative process was far from perfect. Much of the criticism called for the elimination of secret detentions, not the adjustment to the notification requirements that made it into the final amendment.

One notable change over the decade of Hu and Wen’s rule is that the prospect of criminal charges against traditional journalists shrunk considerably. In 2002, nine professional journalists were behind bars. Ten years later, by contrast, none of the 13 Han Chinese journalists in jail had worked in traditional media; all were charged for online writings published overseas.

January 2004 saw a set of emblematic arrests: Li Minying, former editor of Guangdong province’s respected newspaper *Southern Metropolis Daily*, was arrested and sentenced on trumped-up corruption charges along

with the *Daily*'s manager, Yu Huafeng; another editor, Cheng Yizhong, was also detained for five months. The paper had broken a series of stories that embarrassed local officials, and the sentences were widely considered to be payback.

Nowadays, to keep mainstream journalists in line, propaganda officials are more likely to rely on internal reprimands—including fines, enforced leave, and demotion or dismissal. Early in 2011, the publisher of *Southern Metropolis Daily*, the Southern Media Group, forced veteran columnist and editor Zhang Ping to resign after coming under pressure from propaganda authorities over his columns on sensitive topics such as political reform. Zhang had been demoted and shuffled between publications in the past. “Many times I have been told not to write and that if I agreed I would be able to get more benefits,” he told the U.K.’s *Guardian* at the time of his dismissal.

Today’s different policies toward professional journalists and their more activist colleagues have helped drive a wedge between the two communities. Professional journalists rarely use domestic media outlets to highlight the cases of jailed freelancers, though some do so on personal social media accounts. One exception has been sympathetic domestic press coverage of blogger Chen Pingfu, a former factory worker and teacher who turned to playing his violin on the street after he lost his job and struggled to pay for health care and other expenses. Chen was charged with anti-state crimes for his online chronicles of injustice, including rough treatment by police. The coverage may have influenced prosecutors, who dropped the charges in December 2012, according to international news reports.

Meanwhile, as long as the authorities exploit vague legal language to criminalize expression, mainstream journalists remain vulnerable.

Against this backdrop, international media and press freedom advocates closely watched an unprecedented revolt by journalists at another paper in the Southern Media Group, *Southern Weekly* (sometimes translated as *Southern Weekend*), in early 2013 when local censors rewrote a New Year editorial promoting political reform as a message supporting the Communist Party. The staff sent open letters calling for the ouster of the provincial propaganda chief, Tuo Zhen, and went on a short-lived strike. Supporters rallied outside their Guangzhou offices with placards calling for press freedom; a dozen protesters were detained. Some other mainstream Chinese news outlets published messages in sympathy, and people from ordinary Internet users to celebrities took up the cause on social media.

The *Southern Weekly* demonstration was an unusual instance of journalists and activists acting, if not in concert, at least in parallel. Increasingly, grassroots reporting online pushes the agenda of traditional media; and commercial concerns spur newspapers and broadcast outlets to dig deeper in order to compete. If journalists and activists acknowledge and learn from each other, covert law enforcement activities and censorship could get the publicity needed to help change the minds of the Chinese public and sway leaders to reform policies.

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3. Made in China: Models for media and censorship

By Danny O'Brien and Madeline Earp

As the founding editor, in 2005, of the Liberian online investigative news site *FrontPage Africa*, Rodney Sieh has fought off lawsuits, imprisonment, and death threats. In the face of such pressures, he has still managed to expand the website into one of Liberia's best-selling daily newspapers, making him a leading figure in both new and traditional news media in the country. It's not surprising then, that he was one of 17 prominent African journalists and publishers invited by the Chinese government to a three-week "News and Publishing Seminar in Developing Countries" last August in Beijing.



When he arrived, however, Sieh said he found himself within a crowd not just of what he describes as "real journalists" but also "spokespersons and mouthpieces from not-so-press-friendly nations" including Uganda, Burma, and Pakistan. During the conference, a fellow attendee from Burma handed him a business card with the title "Director for Media Censorship." Instead of training on how to fund and operate his newspaper, Sieh described a course filled with propaganda for the Chinese model of media, with his hosts providing evasive replies about media freedom within China and the government financing of publications. "Of course they expect in return that one would write or promote positive stories about China and how it is opening up," Sieh told CPJ.

China's increased investment in the wider world is nowhere clearer than in Africa. Trade between the nation and continent grew to \$166.3 billion in 2011, according to Chinese government sources. In 2009, China's Prime Minister Wen Jiabao committed to \$10 billion in low-interest loans to Africa between 2009 and 2012. The increase in trade includes a growing footprint in the region for Chinese media. Take Kenya: In December 2011, China's state-run, English-language newspaper, *China Daily*, launched the publication of an African edition based in Nairobi. It joined CCTV Africa, which has been broadcasting from Kenya's capital since the beginning of 2012, and Xinhua Mobile Newspaper, a mobile phone news service provided by China's state wire service

and available to 17 million Kenyans since 2010. It's not surprising that domestic journalists bridle at the competition, even when not directly supported by China's government. After StarTimes, a Chinese media company, won Kenya's only digital TV broadcasting license in 2011, an editorial in the *Daily Nation* challenged the deal, asking: "Websites in China were shut down in reaction to the revolutions that swept across North Africa and the Middle East. Is this the country we want to look up to in matters of freedom of speech and expression?"

The danger for fledgling media is that repressive governments do look to China, particularly when trying to understand how best to limit the reach of online media. The wealth and expansionism of the Chinese state, combined with widespread knowledge of how China's Internet is restricted and censored, has made China a model for regimes that want to keep free discussion in check. The country's management of online media looks especially appealing to authoritarians when compared with the alternatives: Tunisia's revolution was fueled in part by activity on the Facebook website that—unlike opposition-run blogs—the country's leaders chose not to block (in part, because they used it themselves). China has not only blocked Facebook, Twitter, and other international social networking sites, it has used their absence to encourage domestic versions, such as Sina Weibo (similar to Twitter) and RenRen, a Facebook look-alike, both of which are strongly self-censoring. The Chinese government did not respond to CPJ's written request, sent via the Chinese Embassy in Washington, D.C., to comment for this report.



HEXIE FARM: 'S.I.C.K. Great Firewall Seminar.' As China's leaders walk a tightrope between promoting Internet development and maintaining control, social media such as Twitter threaten to throw them off balance. The leaders of North Korea, Iran, and Syria observe and admire even while threatened with their own demise.

When former Egyptian President Hosni Mubarak's regime shut down the Internet in January 2011, the move did little but increase street protests and hasten his departure. The Chinese, faced with unrest in the Western province of Xinjiang in 2009, successfully cut off Internet service to the entire population of the region—some seven million users. The action was "mainly to prevent mobile and Internet being used to mobilize and

coordinate more violent actions, including hate speech, and spreading of news,” said Xiao Qiang, founder and editor-in-chief of *China Digital Times*. Its success, Xiao said, was largely because of a massive military presence compared with Egypt, “where a much larger proportion of the population were pouring onto the streets with no military forces.” Nonetheless, the success of China’s intervention against Internet influence boosted the argument that it could work elsewhere.

The recipe for the China model of Internet control is not hard to understand. The country has strong filters on all traffic passing across its borders, through the technology of its Great Firewall. Websites outside of China can be either blocked entirely or individual pages can be blocked by the presence of a keyword. The entirety of Facebook is inaccessible to Chinese citizens; a page that mentions the banned spiritual movement Falun Gong will be inaccessible, regardless of the website on which it appears. Within China, Web hosting companies and services such as microblog sites and chat boards are instructed to delete and block a wide range of political material. Internet users are made aware of these policies by warnings of illegal content, and very direct consequences for wandering into dangerous territory. Typing banned keywords into search engines or Web forms will result in a lost connection to the site for as long as 30 seconds. Blocking every forbidden source of information online may be impossible—but making sure most citizens know that they are being watched, while keeping tight control on local media, is sufficient to limit the damage of many fast-moving controversies. For example, in March 2012, just days after Bo Xilai was forced to relinquish his post as head of the Communist Party in Chongqing, a Ferrari crashed on a Beijing beltway, killing the young male driver and seriously injuring two female occupants, one of whom later died. Although the *Beijing Evening News* published a photo and brief article on the crash, it was quickly deleted, and online search terms such as “Ferrari” were blocked. Only about six months later did it emerge that the Ferrari driver had been the son of a powerful Communist Party official, Ling Jihua; the scandal likely cost him a post in China’s top leadership, international media reported.

Iranian academic Siavash Shahshahani, known as the founder of the Iranian Internet, has commented that his government’s plans for a “national Internet” are based on China’s censorship model, with foreign connections to be passed through a controllable channel (Tehran has also promised users local equivalents of services such as Google Gmail). Sana Saleem, a digital rights activist working in Pakistan, says recent plans by the Pakistani government to deploy a filtering system capable of blocking 50 million Web addresses reflects an admiration of “China and how it filters the Internet.” That plan was later abandoned due to international outcry and a legal challenge from Pakistani Internet freedom groups. Vietnam has previously attempted to emulate China’s approach of blocking external sites and encouraging local versions, with a government-sponsored Facebook equivalent.

Although Beijing furnishes these countries with a model, it’s not clear that it also supplies the technology to carry it out. Chinese companies ZTE and Huawei are global exporters of telecommunications equipment; Huawei, whose founder is a former Chinese Army officer and whose ownership structure isn’t known, is one of the world’s largest suppliers. The U.S. Congress, in October 2012, branded both companies a security threat, not long after Australia barred Huawei from a \$37.5 billion project to build a national broadband network, as *Forbes* reported. Yet there is no evidence that hardware exported by these companies is sold specifically with tools to implement the Chinese model of surveillance or censorship.

“We know Huawei and/or ZTE make routers and switches … and almost by definition, that’s the level on which cyber-censorship takes place. But I know of no cases where the Chinese have exported the Great Firewall [through sales of tailored hardware or software],” says Eric Johnson, a security researcher who specializes in

censorship in developing countries. While many countries now censor the Internet, the specific technical patterns of the Great Firewall's implementation, including its characteristic lost connections, have not been detected by experts elsewhere in the world. The Chinese model not only requires technology, it also depends on a heavy investment in human manpower, both within the state infrastructure and in private companies. The lack of pre-packaged technology notwithstanding, the success of the Chinese firewall has inspired others to seek barriers of their own.

Even countries with strong reputations for press freedom, such as Australia, have been influenced by China's success. In 2010, Stephen Conroy, Australia's communications minister, noted during a debate over plans for mandatory filtering for adult Internet content in the country that Google should be able to censor YouTube videos, as "they have experience in blocking material in other countries at the behest of governments, including China." In response, Larla Flynn, head of policy at Google Australia, said, "We don't believe the comparisons between how China filters the Internet, and how Australia is looking at it, are relevant." But he admitted that Google was "committed to complying with relevant laws in the countries we operate in," including, at the time, the censorship rules of the Chinese firewall. Google since stopped self-censoring its Chinese-language service and redirected users to an uncensored site hosted in Hong Kong.

Within Australia, Chinese-language local news media is also influenced by Beijing. As China correspondent John Garnaut wrote in *The Sydney Morning Herald*, government-owned China Radio International, while lacking a license to operate in Australia, widely disseminates content to the large ethnic Chinese community through joint ventures with a local entrepreneur, Tommy Jiang, who also owns several Chinese-language newspapers. "Australian bureaucrats have approved and some Australian politicians have personally endorsed what amounts to the takeover of virtually all Chinese-language media in Australia by the Chinese Communist Party's Propaganda and United Front Departments," Garnaut told a closed email list of China watchers.

Modern superpowers have always used the "soft power" of economic and cultural dominance to bend the other countries' media to their orbit. United States government aid organizations have long paid for journalists in Africa and other developing regions to be trained in Western journalism tradition. State-funded outlets like Voice of America and BBC have set up shop, broadcast to, and influenced local media markets across the world, including in Africa, East Asia, and Australasia. Unlike Chinese state-owned media, however, Western outlets attempt to keep politics at a distance with mechanisms like the BBC's charter guaranteeing independence and its board of trustees. "We know some politicians see the BBC as an instrument of soft power, and we see many countries interested in soft power now investing millions in global news channels," said Jim Egan, chief operating officer for BBC Global News in London. "British politicians have understood for a long time that organizational and editorial independence is key to getting credit for international broadcasting. It's in everybody's DNA at the BBC that we do not answer to government for our journalism and for their part government acknowledges the importance of this independence." The risk of China's growing engagement is the export of a self-censoring, often unitary state media—and the norm that online news, rather than being a Wild West of uncensorable voices, can and should be filtered by government actors.

Controlling the unruly Internet is an easier sell in international forums than advocating for traditional press restrictions. In 2011, China joined Uzbekistan, Tajikistan, and Russia at the United Nations to propose an Internet "code of conduct" that would establish "international norms and rules guiding the behavior of states in the information space." Included in the proposal was a commitment to "curb the dissemination of information that incites terrorism ... or that undermines other countries' political economic and social stability." That

proposition attracted no support outside the group, but Russia and China, as well as Saudi Arabia, the United Arab Emirates, Algeria, Sudan, and Egypt later worked together on a proposal for the U.N.'s International Telecommunication Union which would have passed control of key Internet resources from private hands to the government-dominated ITU. These countries share the view that the Internet should be monitored and filtered closer to home: the Chinese model. "The Chinese government's legal management of the Internet is in line with international practice" is how Chinese Foreign Ministry spokeswoman Jiang Yu expressed it at a press conference in mid-2011. With each country that introduces internal Internet censorship—and the number is growing—that statement becomes more accurate.

China's global media presence is growing and is carried, for now, on the back of its status as a trading and aid-granting power. But trade can go both ways. The Chinese government may wish to export its vision of journalism to the rest of the world, but other nations' discovery of the benefits of a free press and a free Internet may serve to influence change within China. Vietnam continues to persecute bloggers, but dropped its blockade of Facebook in 2012. And just six months after Sieh's Beijing meeting with its director of media censorship, Burma announced it would be ending its prior censorship of the domestic press. The country also relaxed much of its previous blocking of foreign-hosted online news portals. The decision prompted some outrage in China's own state press. The nationalist-leaning, state-run *Global Times* warned its audience that Burma's decision to loosen internal censorship was a mistake not to be emulated. "We should proceed based on the national situation, instead of being panicked and making backwards countries like Myanmar and Vietnam our totem." The world's media may be increasingly influenced by Beijing; but Beijing is also increasingly influenced by the press freedoms of the rest of the world.

[Borja Bergareche contributed reporting.]

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4. CPJ's Recommendations

CPJ offers the following recommendations to Chinese authorities and the international community.



To China's government:

- Release all journalists imprisoned for their work. China is one of the world's worst jailers of journalists, with at least 32 in prison as of December 1, 2012.
- Implement reforms to bring China's laws and practices in line with international standards for press freedom and freedom of expression. Put an immediate end to all state censorship of newspapers, broadcasters, and other outlets.
- End the use of national security and state secrets laws to prosecute journalists.
- Decriminalize defamation laws. Reform civil defamation laws to prevent abuse by public figures and corporations.
- Halt the arbitrary detention, surveillance, and harassment of journalists.
- Ensure that local officials do not commit violence against journalists because of critical media coverage. Bring to justice all those responsible for such attacks.
- Allow international reporters access to all areas of the country, including Tibet and Tibetan areas of Qinghai and Gansu. Do not withhold visas or other documentation that international reporters need to work in China because of their reporting.
- Cancel regulations that require real-name registration for Internet access, which will exacerbate cybercrime.
- Ratify the International Covenant on Civil and Political Rights, which China signed in 1998. As a member of the United Nations, honor Article 19 of the Universal Declaration of Human Rights, which states: "Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive, and impart information and ideas through any media and regardless of frontiers."

- Allow mainstream journalists to form an independent professional organization. The officially sanctioned All-China Journalists Association has failed to address their needs.
- Allow the establishment of independent, privately held newspapers, radio stations, and television news channels.

To the European Union:

- Insist that future political and economic relationships be dependent on China demonstrating improvements in press freedom and Internet freedom.
- Make the release of imprisoned journalists a priority condition for enhancing diplomatic, strategic, and commercial engagement with China, including through new trade and investment pacts.
- The Delegation of the European Union to China should monitor closely the situation of press freedom and apply to Chinese journalists EU guidelines on human rights defenders.
- The European Parliament, and in particular its Subcommittee on Human Rights, should closely monitor the press freedom situation in China and hold public hearings on press freedom in China.

To the United States:

- Insist that future political and economic relationships be dependent on China demonstrating improvements in press freedom and Internet freedom.
- Make the release of imprisoned journalists a priority condition for enhancing diplomatic, strategic, and commercial engagement with China, including through new trade and investment pacts.
- The president of the United States, the National Security Council, and the U.S. State Department must engage China's leaders on press freedom and freedom of expression in bilateral and multilateral meetings.
- The U.S. Congress, including the Senate Committee on Foreign Relations, the House Committee on Foreign Affairs, and the Tom Lantos Human Rights Commission, should hold public hearings on press freedom and freedom of expression in China.

To United Nations member states:

- In bilateral and multilateral meetings, engage China's leaders on human rights and press freedom.
- Insist that China release all imprisoned journalists and make demonstrable progress on press freedom as a condition to its bid for taking a seat on the U.N. Human Rights Council in 2014.

To U.N. Human Rights Council members:

- Consider passage of a resolution urging China to improve its poor press and Internet freedom record and to halt its persistent jailing of journalists.
- The Human Rights Council should task the U.N. Special Rapporteur on Freedom of Expression to investigate the press freedom situation in China and report the findings and recommendations to the council and other relevant U.N. institutions.

To international Internet and technology companies:

- Join organizations such as the Global Network Initiative that have developed principles and best practices for dealing with surveillance and censorship of online services.
- Use state-of-the-art, end-to-end secure, encrypted connections between users and services to limit surveillance and keyword censorship of services.
- Hold dialogues with local journalists and bloggers to ensure internationally accepted practices are in place to protect user anonymity and security.
- Predicate future investments and technological transfers on China demonstrating progress on press freedom and Internet freedom.

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